Judge Neilson Designated to Try the Issue.

THREE JURORS OBTAINED.

The Entire Panel To Be Completed To-Day.

A Regular Field Day in the Court Room.

The second day of the suit of Theodore Tilton against Rev. Mr. Beecher developed all the dramatis personæ in their show clothes, all the lawyers in their best dialectics, and finally, the lawyers' delay proving more intolerable than the law's delay, the Bench itself closed the skirmish and delegated one of its number to preside at the trial. Mr. Beecher's counsel took an exception, and Chief Justice Nellson retired to another court room with the case. There, unless more legal comets and asteroids are discovered, the jury will be made up and the evidence presented,

SCENE IN THE NEILSON COURT ROOM.

The clear day brought out a very great crowd to surround the Court House. As it is related in Barnaby Rudge" that when Newgate Jail was burned down the escaped convicts chose the iail steps for a resort, so in causes of bres mankind likes to stand around the court house doors if it can get no nearer.

The ample court room was very full of jurymen, and the press contributed from forty to sixty members to the crowd. Chairs were at a premium and were sought to be carried away from all the neighboring courts. The buzz of discussion was still as to the probable judge who would preside in the case, that being for the moment apparently of more consequence than the guilt of the principals or the composition of the jury or the relative set on brackets, looked like a pair of black domes above a black roof, where the dense crowd at the two doors rose uniformly upon successive steps and filled the arched panel men, were as well dressed and good looking as could be seen in any church or lodge. Nobody attempted to call particular attention to himself except the Count Johannes, who sat at the reporters' table and talked over the head of a reporter at the wide arcana of nature. Several of the social friends of Mr. Beecher were on the floor. It was noticeable that among Mr. Beecher's friends less acerbity was shown to those whose than formerly. The mellowing hand of time has somewhat softened the passions of this dispute. In Brooklyn, after libel innumerable and fights of rival adherents almost from house to house, a steadier, more diffused feeling has settled on the general mind, like what might be presumed in some long chancery htigation among the innumerable heirs, claimants and partisans.

In the absence of any decided proceedings at the court room our reporter called at the Tilton establishment, close in the rear of the court. It appeared to be empty. The thousand interviewers were no more. The tall, haggard, poetical proprietor was buried among his counsel, minutely going over subtleties of evidence, which to those gentiemen were of merely professional consideration, but to him the former vesture of his heart-

People wonder how Beecher can have lived and suffered so," exclaimed a Brooklyn journalist. "But what can Tilton live on? He has never managed anything before with the general good judgment he has shown in this case. I expected him to go from one eccentricity to another until he dissipated the support of his most obtuse follower. His general course in former times was to stir up some agitation and then get inside of it as its high priest. But in this personal cause he has grown older, more secret, strong and cautious, and has made headway even in Brooklyn and divided folks at family tables by the strokes he has successively dealt at Beecher. bas discontinued his talks the correspondents taken up books of law and practice, and generally 'timed' his attacks at the weakest occasions with his adversary. How he is supported nobody knows; but Mr. Beecher is mortgaging some of his property. They will probably go down in this wrestle together, their eyes on each other to the last, and leave the scandal a mystery to succeeding times."

RIVAL COUNSEL. Others are apprehensive that the case, as Moulton and Tuton have related it, cumulatively and with transposition of slight circumstances and subtle interpretations of Beecher's letwill be weakened, if not destroyed, by the shrewd analysis and reconstruction of the same material by able counsel like Tracy and Evarts. Again, it is said that Tilton's lawyers are quite as strong to reconstruct the scandal in favor of Tilton's position as either himself or the "Mutual Friend."

As to these counsel, they are by no means unworthy of each other. Mr. Tracy is respected in Brooklyn, and Mr. Beecher gets no small part of his personal confidence and worldly respect from solid consideration of this attorney. Mr. Evaris is better adapted than perhaps any Ameritrinnte to his character and that mingling of evidence and sentiment which will be so acceptable to the Plymouth congregation. His weakness may be in his long-windedness. At the impeachment trial of Andrew Johnson impeachment trial of Andrew ne spoke three days, and exhausted on the third the good impression of the other two. Even Sumner wanted to stop him and go to a vote. The triends of Mr. Evarts say his weakness is never to let a historical opportunity go by if he can plant a speech in it for posterity. The cold, austere, dignified oratory of Mr. Beach, with its keen penetration of shams and sardonic power of getting through moonshine, is the chief reliance of Tilton's adherents. Behind Mr. Evarts he is expected to stand, like the human drama of the Midsummer's Night, parallel with the fairy

dances and passages which accompany it, and on dances and passages which accompany it, and on his coid increduity the vapors and sentiments of Evarts are to condense in mere drops of water.

Those persons who were measuring the counsel in this way while little or nothing was doing in court room No. 2 did not suspect that a part of the same case was being tried across the corridor; for, like a doubled bedded room, the stage has had two scenes for two days.

Scene in the Mcue court room.

At eleven o'clock, or thereabouts, a coup d'état came off in the east court room which would nearly have made as much sensation through the country as the conservative coup d'état the day before in the Louisiana Legislature had not the Bench put an end to it.

country as the conservative coup detat the day before in the Louisiana Legisature had not the Bench put an end to it.

There was no need of disguising the fact that the Judge who was to try this case was yesterday the whole point of the scandal. Judge McCue was the person solicited to preside by the Beecher interest. He was not so much desired by the Heecher interest. He was not so much desired by the Tilton interest from the fact that he granted the bill of particulars desired by Beecher's counsel.

It may be added here that while there are old English precedents for granting a bill of particulars, they are rare, and in this country still rarer. Mr. Shearman, Beecher's attorney, has the credit in public estimation of giving prominence to this sort of plea in the case of his client Fisk. At that time the courts were notoriously corrupt, and the appearance of the same counsel with the same demand for a bill of particulars has led a portion of the press, if not a portion of the American Bar, to pronounce the whole thing a novety and a trick. No doubt this opinion partook of the violence of all expressions on this unfortunate scandal, but it has apparently extended to Tilton's counsel, and under the thin disguise of perfect respect, they fought the continuance of the case before McCue decides that he is to hear the case," said one of the attorneys, "there will be an appeal."

Gossip in the court room related as follows the

Gossip in the court room related as follows the relations of these several justices to the parties on trial:—
Neilson, the Chief In-

Murphy had married a son to his daughter. He is a Presbyterian.

Of McCue it was said that he had not only granted the bill of particulars, but had some years ago been Mr. Beecher's counsel. McCue is a very large holder of real estate in the city of Brooklyn. He is a Roman Catholic.

Ol Reynolds it was said by the Beecher interest that he had, some years ago, been the legal counselier and saviser of Mr. Thiton, and might be biassed in the cause.

The method of calling this case was exceedingly singular. Judge McCue was on the bench. Belore him were the plaintiff and defendant, with their long array of counsel, seated in the small area formed by a dense mass of spectators, including some of the most respectable citizens of Brooklyn and some of the ablest lawyers in the State. Beside Mr. Beecher and his sons were Messis. Evarts, Tracy. Shearman, Porter and Abbott. Beside Tilton-Moulton in the background—were lawyers Morris, Beach. Pearsall, Fullerton and Pryor. It was a fearful sight to see all these lawyers alighting on the substance of two poor chents.

TILTON AND BEECHER

sat close together for the first time since the legal proceedings began. They had out to rise and touch each other, but each seemed to divine where the other sat and never raised eyes to look. Mr. Beecher, who was to dispose of his church pews in the evening, after the proceedings were over, wore his usual negitied dress, loose overall or surtout, of a dun color, and had his brownish soft sombrero in his and. He read a newspaper and looked just a little less at ease than the day before.

Thiton wore a long cloth coat, a blue silk neck tie, wide collar, small studs in his shirt and his long hair was unusually well brushed behind the ears, where it spread out like bunches of illacs. He had a good color and clear eyes and made no movements, except a lew times to close his lips as if weary of delay in the preliminaries of the case.

movements, except a few times to close his lips as if weary of delay in the preliminaries of the case.

This room, like court room No. 2, was densely crowded. Persons of local eminence, like General Siocum and H. C. Murphy, were seated or standing close to the principals. All the judges were upon the bench, a bright, judicial set of men, locking their office, and perhaps none more truly than judge McCue, whose good sense and, probably, sound law releved him by a personal decision of the amorguity in which warring counsel had involved him. The judge is a stout man, of grayish hair and mustache and black eyes. He is neat and delicate in his address, decorous to counsel and strictly attentive to the proceedings. His associate, Reynolds, is a thin, gray-naired, professional person, and the Chief Justice, Neilson, is a substantial and serious man pass middle age, wearing a wig. Among these judges there is perfect good leeling, and it is to be deplored that the partiality of rival counsel for either of them should have subjected the whole Bench to the indelicacy of a debate which for prolixity and vacuity is not worth reporting. Reduced to its essence the debate was no more than this:—

Counsel for Beecher—Judge McCue, you have no right to send this case to Chief Justice Neilson, but must oblige us by trying it, as Brother Shearman, who is a great student of old, dry law, will show you by numerous precedents.

Counsel for Titton—Judge McCue, you must not change your order to let Unief Justice Neilson try this case, as we will argue to your face.

To demonstrate how utterly sophistical and wastein the debate was we may add what Judge Sam Morris, of counsel for Tilton, said to us before Judge McCue rendered his decision.

"We don't care which Judge trees it," he said: "any man on the bench will do for us. But the other side have got to petitiogging and we nave to oblige them."

The Real Opening.

"We don't care which Judge tries it," he said; "any man on the bench will do for us. But the other side have got to pettifogging and we have to oblige them."

Judge McCue—Are the parties ready in the case of Tilton vs. Beacher?

Mr. Tracy—We are ready, sir.

Judge McCue—The Court is ready. I announce to the counsel that the case will be called in the other room before Judge Neilson. The Clerk will pass into that room, taking with him the jury box, from which the jurors will be called. I will remain in charge of the general calendar.

At this decision there was a war, a rush and scrambing over seats in a very unseemly manner, so that counsel and clients were no more than members of any street mob. The people started for the other court room. It is said, and has been so printed, that at this moment Mr. Tracy, of Mr. Beecher's counsel, asked William M. Evarts, his associate, to object to the above order of Judge McCue, and Mr. Evarts replied, "No, I will not."

However, there must have been a reconsultation, for after the Tilton party had cleared out Mr. Beecher's counsel all re-entered alone, and Mr. Evarts proceeded to argue that as the case had been declared "on" yesterday by Judge McCue it could not be transferred. The following paragraph embraces all of Mr. Evarts' speech that is vital:—

"There have been two motions made in this case, one that the panels should be consolidated and the other that the pary should be empanelled, and that for the convenience of counsel they should agree to the understanding that no progress should be made in the case until this morning at eleven o'clock. This cause stands in your Court as it stood there. This is not a matter connected with or referring to the selection of judges. We say that we are to be tried as a defendant in this court for the power of holding double circuits that is given by express statutes even in repart to the Supreme Court, the Court of Common Pleas and the Supreme Court, the Court of Common Pleas and the Supreme Court, the Court of Common Pleas and the

octavo delay.

He arose, his spectacles in a perpetual state of adjustment, and bent his eyes close together, as for an obstinate endeavor. He said that he didn't see the opposite counsel; that they had gone out without our consent, and ought to be sent for. The Judge had already sent for them, and they filed in, the tail Thion looking around in a won dering way, Beach frowning an inquiry, Morris amiably interrogative, Pryor black-eyed and prying for a bill of particulars, and the stout Judge Fulierton with his best cross-examining face put on.

on.

The Judge said—Mr. Evarts has addressed a few remarks to the Court in reserve to the right of the Court to send this case before another Judge, on the ground that the case was called on and is now on, and that there could but be one term held of this Court.

Mr. Shawman—I will state the grounds of my

Mr. Shearman-I will state the grounds of my bjection.

Mr. Beach—I have heard them sufficiently.

Mr. Shearman.

Here Mr. Beach looked at Mr. Shearman. Mr. Shearman returned the look with even more concentration. Mr. Beach, turning to Mr. Evarts centration. Mr. Beach, turning to Mr. Evarts, more courteously, said:—"Probably Mr. Evarts has made his suggestions in consequence of not knowing the arrangements entered into between the counsel for the defendant and the plaintiff's counsel and this Court, in which, on the suggestion of my friend that he was engaged in a case in New York, Your Bonor should preside until twelve o'clock, when Judge Nellson should preside in the empanelling of the juy,"

Mr. Evarts made no response, and, after stating the case again, Mr. Beach, addressing Mr. Shearman, said:—"Without intending any offence to any gentleman I pronounce this proceeding entirely repugnant to the arrangement between counsel."

dreily repugnant to the strangular counsel."

Mr. Shearman made a speech in reply, and quoted a string of authorities. By the time he fluished Mr. Beecher was gone and also Mr. Moulton, leaving only the former's counsel and Thiton.

"Are we never to have done with this business of disowning acts of counsel for the plaintiff Can we never have concert of action? Are we never to be able to rely upon the assurances of the counsel?"

never to be able to rely upon the associate, to con-counsel?"

He called on Mr. Tracy, his associate, to con-firm his memory as to the agreement of the pre-vious day, and Mr. Tracy did so at considerable length, concluding thus:—"I have assumed that, according to the regular and uniform practice of this Court, the calendar is in Part 1, under the control of the Jadge who is presiding, and that the this Court, the calendar is in Part 1, under the control of the Jadge who is presiding, and that the jury box is also in his control; and I assumed when this case was called it would be called before Your Honer, as all other cases are before the Judge who presides in this Part. I supposed that the panelling of the jury should proceed here, and that after that work was accomplished, if it should be suggested for the convenience of this Court, or for any other reason, that this case should be transferred to Part 2, and that was assented to by the counsel, then the case should be transferred and tried before Judge Nelson. I never supposed that anything unusual was to take place in this case. I never understood myself as assenting to any arrangement by which this case would be tried in Part 2."

It was now clear to the audience that unless the

case was being tried across the corridor;

It is a donbied bedded room, the stage has had to scenes for two days.

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Was not so muon desired by the Beecher interest, was not so muon desired by the Beecher interest, owns not so muon desired by the Beecher interest, was not so muon desired by the Thiton interest on the fact that he granted the bill of particulars has the credit public estimation of giving prominence to this prominence to this prominence to this point, and my promounce the whole thing a novelty and trick. No doubt this opinion partook of the violence of all expressions on this unfortunate and in this count materials. No doubt this opinion partook of the violence of all expressions on this unfortunate and in the count wave nothing in the case of the counse of the case of this court to those possessed by the evidence and in the count name of the autorney, "there will be an apparently extended to Titton's when of all expressions on this unfortunate and in the count room related as follows the done of the attorneys, "there will be an apparently extended to Titton's man, the court room related as follows the done of the attorneys, "there will be an apparently extended to Titton's man, the court form the provisions of the court of them case of this court, or any one of them, and the court for the provisions of the court

case. It is a special panel of a fixed number to attend this Court. They are of the same character as the general panel is; they are all one panel for the purpose of drawing lots for this case or any other case. We may be wrong, but that is our proposition of law made to Your Honor sends this term before another associate in another room. If this is caused for the convenience of trial, then the disposition must arise after you have disposed of the consolidation of the panels and the impanelling of a jury.

Judge McCue then remarked to counsel on both sides:—i desire to consult with my associates in relation to the point as to the power of the Court to held a Special Ferm. We will take a recess, therefore, for half an hour, or for longer time if the counsel desire.

The Court took a recess until half-past one. The Tilton party remained in their chairs. The spectators had no idea what would happen until, at the sudden re-entrance of Judge McCue alone, took his place, and, the crowd pouring in, he closed the discussion in the following words:—

I have given this question the best consideration I could during the interval of the recess, and I have come to the concusion, and I shall so rale, that we have the right to hold two terms. The act

I have come to the conclusion, and I shall so rule, that we have the right to hold two terms. The act of 1870 provides "That the said three judges of the Court, or any of them, shall hold a Court of Civil Jurisdiction."

have come to the concusion, and I shall so rule, that we have the right to hold two terms. The act of 1870 provides "That the said three judges of the Court, or any of them, shall hold a Court of Civil Jurisdiction."

So far as the calling of the case yesterday is concerned, I did not understand that it was on in the sense that the trial of the case had commenced. The calendar was called for the purpose of ascertaming the causes upon it. I shall, therefore, renew the direction that I gave you this morning in the case and send it in before Judge Neilson for trial. The case will be called there to be tried. The counsel can make any objection here and have it spread upon the record to the end that the question may be raised herealter.

Pausing a moment, Judge McCue, in a lower and sober tone of voice, said, what all the better class of spectators jett.—Before dismissing she case I desire to say in behalf of my associate that we have let very much embarrassed at the intimations thrown out from time to time about the preference to sending the case before one judge in preference to sending the case before one judge in preference to sending the case before one judge in preference to such the practice of this Court; and I trust that both parties will receive all the consideration to which they are entitled or as ordinary suttors are entitled to. That is all they should claim. Upon this construction of the statute I desire to say that this is simply my own opinion. My associates are not bound to any concurrence in my views. They are at liberty to examine the question when it comes up before them. The parties, therefore, with the witness and the counsel, will pass into the room opposite, and the clerks will attend there with the jury box.

Mr. Everis—We take exception to this rolling. Judge McCue—You may have it spread at length upon the record in any way that you desire, so as to raise the question hereafter.

So end two of the obstructions to getting down to what may literally in this case be called hard pan. The case

now and then he would call the special panel of jurors.

Mr. Beach remarked that he would concur with the counsel on the other side in the assertion that a little more space would be desirable. 'Get back, get back!' cried the court officers as they again struggled with the mass of people who gathered about them, and considerable confusion ensued for several minutes. The reporters were driven away iron a table in iront of the jury stall and the counsel occupied their places.

Mr. Evarts hoped that His Honor would understand and that the crowd would recognize the fact that examining jurors is a very responsible duty, and he asked the Court to direct that facilities should be afforded counsel to have communication with their clerks and other persons during the trial. Unless this fact was understood the counsel could not hold themselves responsible.

Judge Nelson—The facilities must be given, and the officers will see to it the people get back and that the attendants of counsel are furnished with chairs also.

Mr. Evarts asked that the regular and special Mr. Everts asked was the motion made by mupanels be combined.

The Court asked was the motion made by mutual consent, and Mr. Beach replied by request of
the defence, but almost immediately after agreed
to combining the panels, which was so ordered by
the Judge. A Mr. Thayer, who had been called
the Judge. A mr. Thayer, who had been called in the regular panel, was then told to stand aside, with the agreeable remark that he might not be called again. The Clerk then resumed calling the names, and the counsel for the delence suggested that the numbers be also called, which was so ordered.

dered. Mr. Shearman desired to assist the efforts to Mr. Shearman desired to assist the efforts to obtain a jury, and if the counsel would consent it would be well to have the Court propound the usual questions to the jurors as to place of residence, age, occupation, citizenship, as to whether the juror had neard of the controversy, whether he had read of the case, whether his name is on the assessment roil, &c.

Judge Nelison said the counsel had better interrogate the jurors themselves, as it was customary and proper.

Mr. Beach dissented from the opinion of Mr. Shearman upon this subject, and the call proceeded.

Mf. Beach dissented from the opinion of Mr. Shearman upon this subject, and the call proceeded.

James Harkness was then called, and being sworn to answer truly the questions put to him, said he was twenty-five years of age and a paper hanger by occupation. He is not acquainted with the parties; had read the case from the commencement in the publications; read Thiton's letter to Dr. Bacon, and previous to reading that letter he was not aware of these charges; had formed an opinion of the case based upon what he had read. The Court ordered him to stand aside. Charles E. Poster had been abroad from April until October last, and had read very little of the case; read sundry publications since he returned, but could not recall what particular papers; had conversed with his family on the subject; had expressed so impression as to the innocence or guit of any of the parties; is a member of Dr. Cuyler's congregation, and had not conversed with Alderman Whitney on the subject; was summoned as a juror on New Year's Day; any expressions of opinion that he had made upon the subject was based on previous conversations; though his opinion had been hased on conversations with his family he had seen no reason to change it.

Mr. Shearman asked him whether his impression was so strong that it would require evidence so as to cause its removal.

was so strong that it would require evidence so as to cause its removal.

Mr. Foster, the juror, thought not; but his impression was based on what had been told him. Though he had no bias, it would require evidence to remove the impression.

Mr. Snearman remarked that he did not suppose they would ever get men who have not some slight impression, and that class of men were ar preferable to those who had never read the paper. He was about to read authorities as to the qualifications of jurors when Mr. Beach interrupted him, saying jurors must be entirely unprejudised as to cations of jurors when Mr. Beach interrupted him, saying jurors must be entirely unprejudised as to either parties. It is true Mr. Foster had not been present in this country during all the controversy, but he had received a statement from relatives and thereupon had formed an opinion. As he andess by that opinion this was no, mere hypothetical impression; it was a marked case of bias upon facts, presented in sources on which he must rely, and did rely. The Court ordered the juror to stand aside.

upon facts, presented in sources on which he must rely, and did rely. The Court ordered the juror to stand aside.

Edward A. Smith, of No. 128 Livingston street, a cigar manufacturer, whose place of business is at No. 11 Bowery, New York, had been in business nine years; and read the Tilton-Beecher case in the New York Herald and other papers; from what he had read and heard he had formed a decided opinion, which he entertains now, touching the guitt or innocence of the parties. Mr. Smith was ordered to step aside.

William V. Williamson had formed an opinion as to the controversy upon what he had read, and had mentioned it among his friends; nad expressed his opinion, and still entertains if. He was told to stand aside, and did so.

Morris Couen, of No. 127 Sixth street, had read some of the publications of the case in the terman papers concerning the report of the committees. Had formed no opinion on the subject; did not say to any one whether he believed the charge true or not; read Mr. Beecher's statement in the Staats Zeitung, but not the whole of it heard others express opinions, but only believed some of what he heard; nothing has since occurred to cause him to change that impression, but he would not change it unless upon some evidence. Mr. Shearman said they were satisfied that the juryman should stand aside.

John H. Meyer, residing in Skiliman street, a grocer, had read something about the case, and had heard opinions upon the subject; did not know whether he had formed or expressed any opinion with relerence to the case. Mr. Shearman said they were satisfied that the juryman should stand aside.

Mr. James T. Bolles, a bookseller, had read pretty much everything on the subject, and had formed an opinion, which he still entertained. Excused by both sides and requested to step aside.

James Schultz, of No. 1,143 Fulton avenue, a conjectioner, had read what had been printed in the papers of New York and had conversed with narties upon the merits of the case; had decided

still maintained. The Court ordered him to step aside.

THE PIRST JUROR SECURED.

Lewis H. Rooinson, of Gares avenue, a real estate broker, had partially read the publications on the controversy; did not remember whose statement he had read; had heard the question talked over, and had taken part in the conversations; for argument's sake, he had tested the opinions of others as to what they thought of the truth or falsity of the charges made; could not say whether he believed in the truth of the opinions which he had expressed at the time; he simply expressed opinions to elicit the opinions of others; the opinion expressed by him was based upon condition that he could get evidence to support it; heard discussions on the subject almost weekly; he was induced to examine the matter with reference to making up his mind on the subject.

weekly; he was induced to examine the matter with reference to making up his mind on the subject.

Ex.Judge Morris subjected this juror to a rigorous examination as to the basis of opinion as to a fixed idea touching the innocence or guilt of the parties. The juror said he was not a member of any reinglous denomination and had not recently attended any church; had read the whole of the letter to Dr. Bacon and Mr. Tilton's statement; also read Mr. Beecher's statement, and yet he had no line of information upon which he could pass a judgment that would satisfy his own mind; what he read was not in such lorm as he would desire to have as evidence in a Court like this.

This juror was then examined by Mr. Evarts, and said, in answer to the questions put to him, he had no opinion which could prevent him from readering a true and honest verdict in the case.

Mr. Beach asked whether as an intelligent man he had received no impressions as to the guilt or innocence of the parties after having read and argued the case, as he had stated. The juror replied that he had not formed an impression, as he regarded from what he read on either side that they were each making a case. He had no bias and knew of nothing that would influence his action as a juror in this case. He had no bias and knew of nothing that would influence his action as a juror in this case. He has never expressed any opinion of his own, except to elicit the opinion of others.

The Court—I think he is a competent juryman, gentlemen. What do you sav?

The counsel agreeing, Mr. Robinson was told to stand aside by the Court and be present at eleven o'clock to-day. The juror was instructed not to read or converse with any one on the case, "Should any one speak to him," Judge Neilson said, "report him to me that I may see to his punishment." This was the first juror secured.

P. B. V. Livingston had read the case, formed an opinion and still held to it. He was compelled to stand aside.

Edward F. Dudley had formed no opinion on the subject; heard discussions betwe

read some of the statements of the parties in the case; his ideas were not very clear, but thought he had read the letter of Dr. Bacon on the subject; heard discussions between people on the matter of behef, as hemmade it a rule to concur with every one; knew exactly what he was thinking about, but did not always express his own opinion; some thought Mr. Beecher was guity and he (the juror) admitted it, some thought he was innocent and he agreed with them (laughter); the case was a mixed one generally, and he only thought over it when he had ample leisure and nothing else to do; both men tell contradictory stories; can't beheve both; can't beheve either (with a shrug of the shoulders)—(laughter, in which the counsel on both sides took part)—thought he had, in his pursuit after knowledge, missed Mr. Beecher's statement, but had read Mr. Titton's and Mrs. Titton's and portions of the testimony before the Committee of Investigation; gave more weight to the testimony given before the committee than to that which he read in the rewspapers; had an impression, but no opinion, on the subject; the impression formed would bias his mind in some way in lavor of either party; the impression which I have formed would, I think—there's something in it. (Laughter.)

"Stand aside," said the Court, and the witty witness "stepped down and out."

THE SECOND JURGO GRIATNED.

Griffen B. Halstead, of No. 340 Pacific street, in the hardware business, had read of this case but had not formed an opinion; thad read most publications on the matter; at the time of reading some of the matter did form an opinion; read Titlon's letter to Dr. Bacon and all the statements; was in the habit of reasing the HERALD and the local papers; entertain several impressions now upon the matter and it might require some evidence to remove them; had frequently conversed with persons on the subject and had generally dissented from the opinions of others; had told persons we couldn't judge from ex parte statements; belongs to the Methodist denomination; he had

reserved.

TIME CALLED BY COUNSEL.

Andrew Mackey was the next juror called, and the appointed hour of adjournment having arrived—it being four o'clock—Mr. Fallerion arose and said:—"Your Honor misunderstood the cause and said:—"Your Honor misunderstood the cause of my uneasiness when you ordered the officer to close the lattice. It was the clock, and not the lattice, which troubled me. As it is four o'clock, and I think we had better reserve our strength in this case, it might be well to stop the proceedings here for to-day,"

Neilson said perhaps it would be as well

Judge Neilson said perhaps it would be as well to try one more juror.

Mr. Evarts said, "Fullerton, I was of the opinion that you had agreed to leave off at four o'clock, and it is now that hour."

Mr. Fullerton replied that was what he intended to do, and he had just told his Honor that it would be well to adjourn for to-day.

Judge Neilson thereupon adjourned the case until eleven o'clock to-day, and in so doing took occasion to state to the counsel that he wished them to do him the justice of bearing in mind that he was not to be held responsible for the inconvenience at which they had been placed. The room was full when they entered, and the crowd was unwieldy because of the pressure. To-morrow he would see that great care would be exercised by the officers in regulating the admission of persons to the court room. None other than jurors, witnesses and reporters care would be exercised by the officers in regulating the admission of persons to the court room. None other than jurors, witnesses and reporters should be admitted by the officers. Reporters, be said, would have to put up with the hardships and inconvenience to which they are subjected for the present—until a jury had been obtained—then he would see that they are furnished with proper accommodations. He warned the jurors against reading of the case or conversing with anybody on the subject.

The crowd then dispersed across the heavily laden floor of the court room and out into the corridor, and so ended the first day's proceedings in one of the most remarkable cases of crim. concever tried in Christendom. It is now opined that a jury of twelve men will be obtained in the Tilton vs. Beecher suit to-day.

THE WEEK OF PRAYER.

Increased interest was manifest yesterday in the exercises of the week of prayer observed at Dr. Rogers' church. The Rev. Dr. Ganse presided, and at his right hand sat Dr. Rogers leading the songs of praise. The objects of prayer vesterday land-civil governments and all in authority, the increase of intelligence and the purification of public opinion and the spread of free institutions throughout the world. The exercises of prayer and exportation vesterday were confined wholly to ministers, and the chairman called upon' brethren to speak or pray, and thereby assured the audience that they should not be troubled with anecdotes about canal boats, boys eating their anecdotes about canai boats, boys eating their meals and saying they were good, as the congregation of Monday were. Such men as Drs. Hutton, John Hail, T. D. Anderson, William Adams, W. M. Taylor and S. H. Tyng spoke and prayed resterday. Dr. Adams remarked that we are commanded in the Gospel to pray for all in authority that they may administer justice in all godiness and sobriety—the only true basis of civil government—but too often subverted. The ruier may sin and the sin will lie at his door, but its consequences do not end there. We should, therefore, ask God that the civil power may be sancufied and that the time may come soon when kings shall be the nursing fathers of the Church and queens the nursing mothers, as foretold by the prophet. And we should never hall into the error of supposing that because we have no religion established by law those in authority are not therefore under obligation to be religious. The venerable Dr. Tyng offered some remarks on the Psaim that was read at the opening, in which David declares that the prayers of the son of Jesse are ended, and to this phrase more particularly the Doctor directed his remarks. Civil governments and authority, kings and rulers of the earth are merely agents of the King of Kings and Lord of Lords. If he (Dr. Tyng) were asked what form of civil government he preferred he would answer universal submission to the royalty of Jesus. If he were asked what form of civil government he brightening prospects of the Saviour's kingdom before him, he too would use the language of David, the son of Jesse, and say his prayers are ended—there is nothing more to be asked.

The meeting to-day will be led by Dr. Taylor, and prayers will be offered for parents and children and leachers and guardians, for schools and colleges, for the Christian ministry, for Young Men's Christian Associations and for Sunday schools. meals and saying they were good, as the

opinions as to the innocence or guilt of the parties. He stood aside.

William Wasson being sworn, as were the other jurors, said he resided in Suyvesant avenue, is an artist by occupation and had read most all of this case in man; papers, and from what he had read and heard had formed an opinion which would require a good deal of evidence to remove, (Laughter.) Mr. Wasson stood aside.

Benjamin C. Miller, touching his capabilities to serve as a juror, said he was a house mover and resided in Facific street; had read a few statements on the subject and had heard opinions of others; he also had formed shopinion which he still maintained. The Court ordered him to step aside. correspondents to send their missives di-rect to the General Post Office, rather than to have run the risk of having them carted over the highways of the city to stations A, B, C. D or otherwise and deliberately rifled by freebooting boys, who, having taken an oath without solemnity, broke it without com-punction. This is exactly what has been done. An humble wood pedler on this occasion was the detective, and when he saw his path through Washington square, on Saturday morning last, strewn with infinitesimal bits of white and rose colored paper, he stopped to examine the deposit, and found the irregular flakes variously inscribed. But when Cullen—that was his name—found on one of them the name of a Park Commissioner the soul of the vender of wood was moved to exceeding wonder. What could it mean? Why should s name of an honored dignitary of the city be igno-

ROBBING THE MAILS.

THE DEFECTS OF THE CARRYING SERVICE-THE

MONEY ORDER CONTRASTED WITH THE REGIS-

If any of our merchants or housekeepers had any

idea that their treasures of heart, home or business were intrusted to carelessly selected boys

hired by Mr. Dodd, of the New York Transfer Com pany, they doubtless would have instructed their

wonder. What could it mean? Why should the name of an honored dignitary of the city be ignominiously trailing in the snow that coid January morning? As the flakes flew Culien also flew after them, culling them like

ANGELS BY THE WINDS DISTRAUGHT.

At length it was discovered that the whitewinged messengers came from a mail cart of the New York Transier Company, and that one Woodward was driving the same. Developments were in order. Joseph Parkins and Samuel Hoyt were found to be accombices in this despolling of the mails, and the drivers of the New York transfer wagons, who should be the constollars of the mails, were found to be the robbers. They were vulgar robbers; they used no delicate manipulation; they beat off the locks of the bags with nammers and stole the contents by wholessle, tearing up the letters and checks, whitening the highways with them and littering the bottoms of their wagons, under the straw, with the precious missives intrusted to the custody of the Post Office. In this case no blame can be attached to the Post Office Department in New York, as the officials here are bound by law to accept the lowest hid for the transportation of the mails between stations, &c., the persons employed, however, taking the official oath, which renders them amenable to the United States laws. Mr. Dodd was yesterday in conference with the officials at the Post Office and promised to give his personal superintendence in inture to the transit of the mails to and from the various stations. This may seem somewhat like locking the stable after the horse is out, but it is to be hoped that the present contretemps will teach the authorities in Washington that the whole postal service—the most important in the government—should be under the individual control of the officer was an advantage of the services evidences of its usefulness to the public, and the throng of merchants and others who crowd the narrow corridors, demanding the accommodation of this bureau, sufficiently attests its popularity. While letters sent "r

A NOVEL SWINDLE.

ATTEMPT TO PROCURE JEWELRY BY A FALSE CHECK-ORIGINAL DEVICE TO SECURE CERTI-FIGATION-THE SWINDLER NOT ARRESTED. On Saturday last a man giving the name of

James S. Bishop called at the jewelry establishment of Howard & Co., on Fifth avenue, and selected diamonds and other articles to the and pay on Tuesday. He stated that he lived in New Haven, but had just made arrangements to join a firm in New York as special partner. Yesjoin a firm in New York as special pattner. Yesterday (Tuesday) he came with another man, about a quarter before three, and expressed his desire to take the goods, for which he said he would have to give his check. He remarked that there would hardly be time to send to the bank, as it was so near three o'clock, but he produced his bank book on the Ninth Ward Bank, showing that he had that day made a deposit of \$35,000; he also showed his copathership papers, duly drawn up in legal form, with the signatures of lour partners, all properly witnessed and authenticated, showing that he had contributed \$40,000 as special partner. Mr. Howard, however, told him that they could not take the check without inquiring at the bank, and as the bank was not far off it could be sent over and have the information obtained in a few minutes. To this he consented bank was not far off it could be sent over and have the information obtained in a few minutes. To this he consented and the check was taken to the bank, presented and the check was taken to the bank, presented and certified. Mr. Howard still felt that there was something wrong, and inquired if the check would now be paid under any circumstances, in reply he was told that if the drafts deposited by Bishop should not prove good then the certified check would not prove good then the certified check would not be paid. Further conversation with the easilier elicited the fact that Bishop had answered the advertisement of a respectable firm who had advertised for a special partner last week, and after one or two interviews agreed to contribute \$40,000 as special capital. The firm were dealers with the Ninth Ward Bank and referred Bishop to it in regard to their standing, &c. He thus became acquainted with the officers of the bank, and yesterday, when the partnership papers were excuted, he paid the \$40,000 in a draft on a New Haven bank, which the firm denosited in the Ninth National Bank. At the same time Bishop opened an account in his own name and decosited another draft on another New Haven bank for \$35,000, and it was against this deposit the check given to Howard & Co. was drawn. The New Haven banks being telegraphed to, both replied that no such person had an account there, and that it must be a fraud or forgery. Of course they did not get any of Howard & Co. '85 goods, and, unfortunately, the men were not secured, as they left while the check was sent to the bank, saying they would return in a few minutes, but they did not put in a second appearance. It is quite likely that they had other operations of a similar nature on hand, as they seemed in a great nurry. put in a second appearance. It is quite likely that they had other operations of a similar nature on hand, as they seemed in a great nurry.

FATAL BLASTING CASUALTY.

TWO VERDICTS-THE CONTRACTOR HELD RE-SPONSIBLE.

Coroner Eickhoff yesterday held an inquest at the Twenty-second precinct station house in the case of Jacob Ruperte, late of No. 422 West Firtysecond street, who was killed on the 23th ut. by had been exploded in the cellar of premises No.

418 West Fifty-second street. Considerable testimony was taken, and after listening carefully to it
lour of the jury found that the blast was not sufficiently covered, and that the contractor, Thomas Connoily, is deserving of censure.

The three remaining jurors found that Connoily, the contractor, did not comply with the law in relation to blassing, and that he is responsible for

the death of deceased.

Ocroner Elekhoff will require Mr. Connolly to give bail to await the action of the Grand Jury.

Deceased was thirty-three years of age, and a native of Pennsylvania.

THE KILL VON KULL RIVER.

OPPOSITION TO THE PROPOSED DYKES IN NEWARK BAY. The people of Northwest Staten Island continue

to manifest the most determined opposition to the construction of the proposed dykes in Newark Bay, believing that the work will result in closing the channel of the Kill Von Kull River. The petitions to Congress and the State Legisla lature in opposition are being very numerously signed. The principal points alleged are as follows:—That the Kill Ven Kuil is in part the boundary line between the States of New York and New Jersey, and the proposed dyking will place the channel entirely within the jurisdiction of New Jersey, thereby depriving New York of a channel and part of a navigable river at present within its jurisdiction. That the water privileges and other advantages now enjoyed by the residents of Northwest Staten island (who are extensively engaged in and wholly dependent upon the oyster Northwest Staten island (who are extensively engaged in and wholly dependent upon the oyster business) will be seriously affected, if not entirely runned. This will depreciate the value of property and permanently prevent the growth and prosperity of this section of the island. That navigation would be facilitated and commerce benefited more effectually by the improvement of the present channel, which has, from natural causes, gained two feet in depth within fifteen years, and it also has the advantage of being a shorter and more direct route than the dyked canal; that the cost of the proposed plan of dyking would be \$443,210, while the natural channel could be improved so as to meet all the requirements of navigation for less than one-fourth of that amount. The petitions urging these points of objection to the work will probably be forwarded to both Congress and the Legislature some time during the present week. NEW YORK CITY.

Professor Feltx Adler, of Cornell Universit ecture to-morrow evening before the Young Association of the Congregation Ahawath Clat their rooms, corner of Lexington avenu Fifty-fith street.

ered among some straw in the basement building No. 77 Chatham street, which is occ by Henry Suanico as a concert saioon. The age done by the nre is slight.

age done by the fire is slight.

The Sailors' Boarding House Commission which Priot Commissioner G. W. Blunt is dent, met yesterday alternoon, when the dent reported that sixty-nine licenses had issued, for which \$1,435 had been received.

John McKinley, who was charged with h obtained farniture, &c., by false represent the full statement concerning whose cas already been published, was yesterday's dered by his bondsman at the Sheriff's office An article in yesterdays HERALD, et

"Heavy Weather in the Atlantic," stated the White Star steamer "Adriatic" would promake a long passage to New York; it should read the "Gaelic," now thirteen days on read the Liverpool. At midnight on Monday Jacob Schmidt thirty-eight years, made a desperate atten shicke by cutting his throat with a pocket at his residence, No. 47 Attorney street. It taken to the Thirteenth precinct police a and thence sent to Bellevue Hospital. To-day is the old style Christmas, as observ

the orthodox Greek Church, and as such re services will be held in the Russian chap morning at eleven o'clock. The service v conducted in English and a quarter will the Litany. The Rev. Mr. Bjerring will pres The skating in Central Park yesterday wa

vivacious and successfui. Hunoreds and thousands attended during the day. Family: were numerous, and the day was passe-pleasantly. The ice was good and stron there is no doubt that it will be even beti day if the irost continues. The Friendship Boat Club has elected t

lowing officers:-President, James F. Daly President, J. O. Carroll; Corresponding Sec William Dittmar, Jr.; Recording Secretary, Sauer; Treasurer, M. J. Murray; Captain, Burley; delegates to boating convention Murray, J. L. McCabill, J. McCartney.

The funeral of the late Anthony Hornet, a ber of the well-known firm of Wilmerding, l & Co., large dry goods commission merch & Co., large dry goods commission merch this city, took place yesterday morning fr Stephen's Roman Catholic church, in East T eighth street. The services were attend very large number of prominent dry good chants of the city. A solemn mass of requie celebrated, the Rev. Fatner Byron officiating courch, which is a large one, was filled friends of 'he deceased. The pail-bearer selected from the most intimate friends. Hoguet and his colleagues in business. T mains were conveyed to Greenwood Cemeta burial.

LONG ISLAND.

Mayor Debevoise, of Long Island City, is seriously ill at his residence in that city. The Queens County Court House at Long City, being nearly completed, will be read cupancy in a short time.

Habitual shippers of freight along the li Southern (formerly the Sonth Side) Rail southern (tormerly the South State) Rain grumbling cansiderably at the increas which are now being charged on a ni atticle by the new management of the rc is especially the case with coal, on which is regarded as outrageous. Messrs. Poppenhausen & Co., purchase

Long Island railroad, and present owne Flushing, North Side, Central and South of Long Island, are making arrangemen erection of a new depot upon the site of ent Long Island depot. They will also the large tract of water front adjoining perty. Three million dollars have been to the company by English capitalists.

WESTCHESTER.

The new Board of State Prison Inst accordance with the statute, will i organize for the transaction of busines Sing Prison to-day. It is almost unne-add that the Board is still republican. An imposing Masonic ceremony, which

nessed by a large number outside of the f took place at White Plains on Monday when the newly-elected officers of Whis Lodge were installed by Ellwood E. Grand Master of the Grand Lodge of the New York, assisted by other prominent of the craft.

Many of the leading democrats of the assembled at Tarrytown last evening sented Congressman elect N. Holmes Ode beautiful palmetto cane, richly mounted ably inscribed. The memento was according a few remarks on the part of E. F. He to which the recipient made a well-timed a collation terminated the pleasant process.

STATEN ISLAND.

The Trustees of Smith's Infirmary ack: the receipt of \$45 for the past week. Some of the fishermen about Staten Isla just found out how to catch smelt in the William F. Welsh, aged ten years, w

feared, fatally injured yesterday by falli the second story window of his parents re in Sarah Ann street, New Brighton. The residence of Mrs. Julia Holmes, at Ri was accidentally destroyed by fire last

As the elections for town officers thr

Staten Island are drawing near there is co able speculation as to who will get the der nominations for the Supervisorships. Th an easy contains many names, the most pro-among them being those of Samuel R. Bri Southfield; Theodore Frean, for Middle George Elius, for Westfield; Henry Van C. Nerthileid, and William Lockman and E. Christopher (the latter perhaps better kno-"Sleepy Dick"), for Castleton.

NEW JERSEY. The new one-horse-money-box cars are bet

favorite resort of thieves. Car No. 16 Mr. John M. Benjamin, a prominent citiz

Morristown and officer of the Baptist claied very suddenly of heart disease. His it will take place to-morrow.

The depredations of burglars in Northern

son county have resulted in the determinat the West Hoboken authorities to appoint si policemen to guard the district by night. A man attempted to steal a ride from Po phia in a freight car, but was carried as Uniontown, having been locked in. When t was opened, he was found unconscious fro effects of the cold. A traveller has been saved from a terrible

ear Elizabeth. Benumbed with cold, he ! the railroad track, and, though fully sensible late impending over him, was powerless to a A passing stranger carried him away in ti-save his life. The smallpox is still on the increase in J

City. The members of the Board of Heath v the jail yesterday, and decided to allow to tients to remain on the upper floor of the ing as the prisoners could not be affected of

James Scott, a lad thirteen years old, wa tured, through the agency of the Hoboken 1 in New York, yesterday, he having been in by the Hudson county Grand Jury for robb a hat store in Hoboken. The captive prov-scept in produity; when placed in a co-abused his mother and said he did not care a what was done with him.

NEWARK'S NEW GOVERNMENT

The new Common Council of Newark met terday evening. Some seven hundred spect were present. At eight o'clock the old Co was called to order, and, after some compile ary resolutions, adjourned sine die. The members were then sworn in and took their s and organized by the election of Alderman Westerveit as President. Mayor Perry then his Message. It is short, sensible, business and torg-encouraging. It was aimed at re and improvement. He particularly complime the enforcement of the Sunday law, and shi that gratifying results had ensued thereit lie speaks encouragingly of the education and ingage continued exertion in the providil liberal opportunity for the young. Speakithe police, be urges non-partisanship. The Department is spoken of highly. At the Februare in the council the Mayor promisspecial message on finances.

The Council adjourned until Thursday ever when the new city officials will be appointed. ary resolutions, adjourned sine die. The